

**FINAL
DRAFT
12-07-09**

**THE BOROUGH OF RIVERTON
BURLINGTON COUNTY**

ORDINANCE NO. 2009 - _____

**ORDINANCE TO AMEND CHAPTER 128 OF THE RIVERTON
BOROUGH ZONING CODE REGULATING NON-CONFORMING
STRUCTURES, DEMOLITION OR MOVING OF STRUCTURES,
SETBACKS FOR ACCESSORY BUILDINGS IN RESIDENTIAL
DISTRICTS, DEFINITION OF AN ACCESSORY BUILDING, AND TO
PERMIT MOBILE SIGNS IN BUSINESS DISTRICTS**

WHEREAS, the Mayor and Council of the Borough of Riverton have received recommendations from the Borough Planning and Zoning Boards to implement various changes in the Zoning Code relative to the elimination of a variance approval for expansion of a single family non-conforming structure, as long as it does not increase the non-conformity, stricter regulations for demolition of buildings, three foot setbacks for accessory buildings, which may not extend forward of the rear foundation line of the main building, and to permit mobile signs in Business Districts; and

WHEREAS, the Riverton Planning Board has approved the form and content of the proposed amendments;

NOW THEREFORE BE IT ORDAINED by the Mayor and Council of the Borough of Riverton, County of Burlington, New Jersey that:

I. Chapter 128-8(A) be and is hereby amended to add the following underlined sentence to the following paragraph:

§ 128-8. Existing uses and structures, nonconforming uses and nonconforming lots.

A. In all districts, after the effective date of this chapter, any existing building or other structure or any tract of land or use which is not in conformity with the regulations for the district in which it is located shall be deemed legally nonconforming and may continue subject to the appropriate regulations of this chapter governing such nonconforming uses, lots and structures. A nonconforming structure, which is destroyed by casualty, may be rebuilt to the same dimensions and height, and on the same footprint as the nonconforming structure, provided that construction is started within one year of the date of destruction. A non-conforming use or structure shall not be expanded without a variance approval from the Zoning Board except that an existing non-conforming single family residence structure may be expanded without a variance provided the expansion does not increase the non-conformity

in any manner. All construction shall be according to the New Jersey Building and Construction codes.

II. BE IT FURTHER ORDAINED that Chapter 128-12 be and is hereby amended as follows:

§ 128-12. DEFINITIONS.

ACCESSORY BUILDING – A subordinate building, the use of which is customarily incidental to that of the principal building and is used for an accessory use and is located on the same lot. In a residential district, a detached accessory building shall be on the same lot as the main building and shall not extend forward of the rear foundation line of the main building. Living quarters and home occupations are not permitted in accessory buildings.

MOBILE SIGN - A portable sign which is not affixed to a building's structure or permanently attached to a freestanding structure.

III. BE IT FURTHER ORDAINED that Chapters 128-16, 128-20 and 128-24 be and are hereby amended as follows:

§ 128-16. R4 area and bulk regulations.

The following area and bulk regulations shall apply:

- C. Minimum side yards:
Principal building – minimum 10 feet on each side with a total aggregate of _____
not less than 20 feet
Accessory building - 3 feet on each side
- D. Minimum rear yards:
Principal building – 25% of total mean depth of lot
Accessory building – 3 feet

§ 128-20. R8 area and bulk regulations.

The following area and bulk regulations shall apply:

- C. Minimum side yards:
Principal building - minimum 10 feet on each side with a total aggregate of not less than 25 feet
Accessory building - 3 feet on each side
- D. Minimum rear yards:

Principal building – 25% of total mean depth of lot
Accessory building – 3 feet

§ 128-24. R15 area and bulk regulations.

The following area and bulk regulations shall apply:

- C. Minimum side yards:
Principal building - 20 feet on each side with a total aggregate of not less than 45 feet
Accessory building - 3 feet on each side

- D. Minimum rear yards:
Principal building – 25% of total mean depth of lot
Accessory building – 3 feet

IV. BE IT FURTHER ORDAINED that Chapter 128-45 be and is hereby amended as follows:

§ 128-45. Architectural Review Committee procedures.

A. The Borough's Zoning Officer/Code Enforcement Official shall review all plans for construction, alteration, and repair, (~~moving or demolition of structures~~) and all applications for signs, collect the appropriate fees and advise the applicant to submit to the Architectural Review Committee a copy of those applications in the Historic Area that involve construction, (~~moving, demolition~~) or changes in exterior architectural features.

V. BE IT FURTHER ORDAINED THAT Chapter 128-50 be amended in its entirety and removed from Article XI (Architectural Review) and to be set forth in a separate article as follows:

§ 128-50. Demolition or moving of structure. (New)

A. The demolition of an historically and/or architecturally significant structure as defined in §128-12, or a portion thereof, shall be discouraged by this chapter, as the loss would be a common loss to the Borough and the neighborhood.

B. Moving of such a structure should be encouraged as an alternative to demolition if there is no other way to save the structure at its existing location.

C. All applications for full or partial demolition or moving of structures shall be referred to the Borough Planning Board for consideration.

D. The Planning Board shall not approve demolition of an architecturally significant building, or significant portion thereof, solely for the purpose of allowing subdivision of land into buildable lots. The Planning Board shall assume that a proposed demolition is for this purpose until the applicant proves otherwise; the burden of proof shall be with the applicant.

E. The Planning Board shall approve an application for demolition of an architecturally significant building, or portion thereof, if the building, or portion thereof, is uninhabitable, as determined by the Construction Code Official's written report and the applicant proves that it is not economically feasible to recondition the building to a condition wherein it is safe for occupancy or use. The applicant shall provide the Planning Board with pictures of all areas of the building, interior and exterior, as this proof. The Planning Board may also consult with the Architectural Review Committee and/or the Riverton Historical Society to determine the architectural or historical significance of the building. The Planning Board may request the Architectural Review Committee to provide a report and/or testimony to the Board concerning the architectural significance or history of the subject structure. If the Planning Board does not find it obvious that it is economically unfeasible to preserve the building, they shall require additional proof from the applicant in the form of work estimates and appraisals. Normal maintenance, lead-based paint and asbestos-containing siding and/or roofing shall not be considered.

F. In making this determination, the Planning Board shall use the criteria set forth in this chapter. If the Planning Board determines that demolition or moving is not appropriate, it may postpone issuance of the permit for a period of six months. During this period of time, the Planning Board may hold other hearings to determine if there is some other means to preserving the building. The Planning Board is empowered to work out with the owner feasible plans for preservation of structures where demolition or moving thereof would be a great loss to the public, the Borough, the streetscape or the neighborhood. In the event that it is shown that the owner has a reasonable economic use of the property, and that the structure should be preserved on the basis of the standards set forth in this chapter, the Planning Board may deny the application for demolition.

VI. BE IT FURTHER ORDAINED that Chapter 128-69 be and is hereby amended as follows:

§ 128-69. Signs in GB General Business and NB Neighborhood Business Districts.

The following signs shall be allowed in the business districts:

A. One identification sign for each business use which shall not exceed 30 square feet in area (overall dimensions). Any such sign which is attached to the principal façade of such use may be parallel thereto, in which case, the sign shall not extend more than nine inches beyond such facade. Such signs may be attached perpendicular to the principal facade

of such use, in which case, the sign shall not extend more than six feet from the façade, or over any portion of a sidewalk or street. Not more than one sign applying to the same business may be erected on any one side of a building used for business purposes. Such signs may be erected upon a pole or other standing support so long as the other provisions hereof are met. No signs may be erected in a sidewalk area or between a sidewalk and the street curb line. No lighted signs shall be of the flashing type.

C. **(New)** In addition to the single identification sign as permitted in Section A above, one mobile sign as defined in §128-12 is permitted for each business subject to the following conditions.

1. The sign may not be located in any manner or place which constitutes a hazard to, or which impairs, pedestrian or vehicular traffic, blocks visibility, or obscures any traffic sign, signal, or device. Its location must provide a four-foot pedestrian clearance, at a minimum.
2. The sign may not block or obstruct any legally required fire exit, curbside car door opening area, or other exit.
3. The sign itself may not exceed four feet in overall height and two feet in total width (24" x 48"). ~~in width or three feet in height; the overall height of the sign as mounted on a stand may not exceed four feet.~~
4. The sign must be located on property owned or leased by the business. The sign may not be located on Borough or public property (unless approved by Borough Council pursuant to § 128-70I.(2)(e).
5. Once erected, the sign base must have no more than an eighteen-inch separation.
6. The sign shall include a weighted stabilizing base or other suitable mechanism to prevent accidental collapse or falling. It shall not be strapped to any vertical structure to maintain stability.
7. The sign shall not include any lighting or sound generation equipment.
8. The design of the sign is subject to review by the Architectural Review Committee.
9. The sign shall be of sound construction and it shall be kept in good condition.

VII. SEPARABILITY

If any section, subsection, sentence, clause, phrase or portion of this ordinance is for

any reason held invalid or unconstitutional by any court of federal or state agency of competent jurisdiction, such portion shall be deemed a separate, distinct and independent provision and such holding shall not effect the validity of the remaining portions hereof.

VIII. EFFECTIVE DATE

This ordinance will take effect upon publication and passage according to law.

ATTEST:

BOROUGH OF RIVERTON

By: _____
Mary Longbottom
 Borough Clerk

By: _____
Robert Martin
 Mayor

CERTIFICATE OF CLERK

I, Mary Longbottom, Municipal Clerk of the Borough of Riverton, County of Burlington and State of New Jersey, do hereby **CERTIFY** that the foregoing to be a true and correct copy of an Ordinance introduced and passed by the Borough Council at a meeting of said Council held November 4, 2009, and said Ordinance was finally adopted at a regular meeting of the Borough Council held December 9, 2009 after a public hearing.

 Mary Longbottom, RMC
 Municipal Clerk

RECORDED VOTE	<u>AYE</u>	<u>NAY</u>	<u>ABSTAIN</u>	<u>ABSENT</u>
DANIEL	_____	_____	_____	_____
BROWN	_____	_____	_____	_____
CAIRNS-WELLS	_____	_____	_____	_____
SMYTH	_____	_____	_____	_____
KINZLER	_____	_____	_____	_____
MYERS	_____	_____	_____	_____
MAYOR (TIE)	_____	_____	_____	_____